



U.S. Department of Justice

United States At
Southern District

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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 6, 2023

BY ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Mario Powell*, 18 CR 287 (AT)

Dear Judge Torres:

The Government writes on behalf of the parties to request on a joint basis a brief adjournment of the trial scheduled for April 10, 2023 to accommodate a meaningful opportunity for the parties to conclude their ongoing discussions over a pretrial disposition. When the parties wrote last to the Court on February 16, 2023, the parties anticipated having been able to conclude these discussions by this time; however, a delay in counsel being able to access the defendant, who is detained, and the belief that further discussions, which involve the defendant's family, may prove productive prompt this joint request. The parties are conscious acutely of the passage of time in this case, which is principally attributable to proceedings tied to the competence of the defendant. It is recognition of that procedural history and its nature, however, which prompts the parties to believe that a brief adjournment is in the interest of justice.

Accordingly, the parties respectfully request a brief adjournment of the trial for at least two weeks to a date in or about April or May 2023 or thereafter, whenever is most convenient for the Court and possible within its existing calendar. The parties are currently able to proceed at any time that may prove feasible for the Court from April 24, 2023 onwards in April and May 2023. The parties expect a trial would be completed within one five-day week. At present, any motions *in limine* are due on March 8, 2023 with any responses thereto on March 15, 2023. The final pretrial conference and trial are scheduled for March 29, 2023 at 1:40 PM and April 10, 2023 at 9:00 AM, respectively. With the requested adjournment, the parties respectfully request a parallel extension of the schedule for motions *in limine* and adjournment of the final pretrial conference to dates that are similarly approximately four weeks and one week prior to the date of any adjourned trial. Finally, with the consent of the defendant, the Government respectfully requests that the Court exclude time for speedy trial purposes from April 10, 2023 to the date of any adjourned trial pursuant to 18 U.S.C. § 3161(h)(7)(A) on the basis that the interests of the defendant and the public

in a speedy trial are outweighed here by the interests of the defendant and the public in affording a further and brief opportunity for the parties to achieve a just pretrial disposition.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: Thomas John Wright
Thomas John Wright
Assistant United States Attorney
(212) 637-2295

cc: James Kousouros, Esq. (Counsel to Defendant Mario Powell) (by ECF)

GRANTED. The trial scheduled to begin April 10, 2023 is ADJOURNED to **May 15, 2023**, at **9:00 a.m.** By **April 7, 2023**, the parties shall file their motions *in limine* and all other required pretrial filings. *See* ECF No. 102. By **April 14, 2023**, the parties shall file their oppositions to any motions *in limine*. On **May 9, 2023**, at **1:00 p.m.**, the Court will hold a final pretrial conference. Time until **May 15, 2023**, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), because the ends of justice served by excluding such time outweigh the interests of the public and Defendant in a speedy trial in that this will allow the parties an opportunity to achieve a just pretrial disposition.

SO ORDERED.

Dated: March 7, 2023
New York, New York



ANALISA TORRES
United States District Judge